Kleindienst Maintains His Old Jaunty Attitude

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Richard G. Kleindienst is persistently glad—even proud—that he asked the Senate Judiciary Committee to convene new hearings on his nomination to be Attorney General.

The White House has serious misgivings, and some of Kleindienst's friends in government feel he may have gone overboard in seeking to remove any cloud over his head arising out of the International Telephone and Telegraph Corp. antitrust settlement.

But Kleindeinst, confident of his ability to survive in the world of rough-and-tumble politics, remains firm in his conviction that only by letting the controversy bloom and hopefully die will he get to occupy the Cabinet post he has long coveted.

Without the hearings, he is said to believe, his own nomination might have drowned in a bitter Senate floor fight and he would have had no proper opportunity to state his case and defend himself.

That is the message the embattled, and increasingly embittered, acting Attorney General was communicating last week to his associates and to visitors at the Justice Department.

On one level, Kleindienst views the judiciary committee investigation into whether the ITT antitrust settlement was connected to the company's pledge of at least $200,000 to the GOP convention as an inevitable election-year battle.

If not him, Kleindeinst feels, someone else might have been at the center of what he regards as an assault by the Democratic Party and the news media on the Nixon administration.

At the same time, the

RICHARD G. KLEINDIENST
. . . still optimistic

longer it goes, the ITT case becomes a personal as well as a political fight for him.

Kleindienst is fully aware that unless he survives it and is confirmed as Attorney General his own future in public office cannot be very bright.

The administration originally considered letting the Arizona Conservative sit out the year as acting Attorney General after John N. Mitchell resigned to head the President's re-election effort, and sending his name to the Senate only if Mr. Nixon was voted a second term.

But that alternative was rejected, because it seemed demeaning to Kleindienst and because the White House feared it would give the impression that there was something to hide about the man who had been deputy attorney general for three years.

Kleindienst insists, privately as well as publicly, that he has nothing at all to hide.

He feels that it was perfectly proper to meet with ITT Director Felix G. Rohatyn and set in motion the Justice Department's consideration of the conglomerate's plea of "financial hardship" should the antitrust suits succeed.

In fact, he considers those meetings a dramatic demonstration that the Mitchell-Kleindienst Justice Department was an open institution ready to consider any citizen's grievance—all the more so becuase Rohatyn was an avowed supporter of Democratic presidential contender Sen. Edmund S. Muskie of Maine.

As the ITT controversy stretches into its fifth week, however, Kleindeinst reluctantly professes misgivings in two areas, his much-publicized letter of last December to Democratic National Chairman Lawrence F. O'Brien and his own performance at the Senate hearings.

O'Brien wrote to Mitchell on Dec. 9, raising the specter of a link between the ITT settlement and the convention contribution and charging that Kleindienst was somehow involved.

The Democratic chairman's letter was an unabashedly political one, and five days later Kleindienst—who was in charge of the ITT cases, since Mitchell had disqualified himself—sent a political reply.

Kleindienst's answer was phrased in the vocabulary of categorical denial and the need for "setting the record straight."

He has told intimates that he now realizes it may have been "overstatement" to write that the ITT settlement "was handled and negotiated exclusively" by former Assistant Attorney General Richard W. H. McLaren, then head of the department's Antitrust Division.

But having failed to concede that publicly, he is caught in a debate over whether "discussing" is "handling" and when setting up meetings becomes "negotiating."

Kleindienst knows that he did not fare very well on those points before the Senate committee. His frequent need to have his "recollection refreshed" on relatively minor points—such as talking with an ITT executive at a neighborhood party—made it appear that he was covering up, he fears.

His explanation for this is that he was simply ill-prepared for the consequences of his own request for new hearings.

He was ready for only a general discussion, not the searching questions of such obvious adversaries as Sens. Edward M. Kennedy (D-Mass.) and Birch Bayh (D-Ind.).

As one Justice Department official puts it, Kleindienst "was not expecting a trial" and did not "anticipate courtroom-type cross-examination."

After his initial appearance before the Judiciary Committee, Assistant Attorneys General Robert C.

Mardian (his closest friend in the department) and L. Patrick Gray III (the man nominated to be his deputy attorney general), among others, played devil's advocate to Kleindienst and grilled him in morning rehearsals.

It is unclear at this point whether that helped improve his image with the senators and the public.

But Kleindienst and his associates are reluctant to have him tested again before the committee.

Although no definite decision has been taken, it is expected that Kleindienst will refuse to return for further questioning, should the hearings be expanded to investigate Life magazine's charges that the Justice Department interfered with criminal investigations in Southern California for political reasons. Instead, he would merely submit a written statement.

Officially, it is business as usual at the Justice Department while the hearings continue.

For almost a month, since Mitchell stepped down on March 1, Kleindienst has functioned as both acting Attorney General and deputy attorney general, working 12-hour days.

Gray continues to serve as chief of the department's Civil Division.

Kleindienst has rejected the advice of some aides that he maintain a low profile until he is confirmed.

Last weekend, for example he labeled as preposterous the suggestion that he cancel a trip to Denver to address a gathering of judges and lawyers from the Tenth Judicial Circuit, lest it be suspected that he was going to visit ITT lobbyist Dita D. Beard in the hospital there.

He spoke to the judges in Denver and had a warm reception there, as well as at a subsequent appearance before the Sons of St. Patrick in Los Angeles.

Today, while a seven-man judiciary subcommittee begins interviewing Mrs. Beard—whose alleged memorandum linking the ITT settlement and the convention contribution was published by columnist Jack Anderson—Kleindienst will be in Mexico City, discussing illicit drug traffic with the attorney general of Mexico.

Later in the week, he will attend a fund-raising breakfast at the Washington Cathedral, a reception at the Netherlands embassy and a black-tie dinner dance for the judge advocates of the Navy and Marine Corps.

Tuesday night, he and his wife will sit in the President's box at the Kennedy Center to hear the National symphony, of which he is a board member.

In one of his few concessions to the current crisis, Kleindienst has declared he will hold no press conferences and grant to interviews until his fate is settled.

Despite the facade of normalcy, however, it has become clear that key Justice Department officials, including Kleindienst, are worried and uneasy. They fear that the Kliendienst-initiated hearings may backfire and have profound and lasting effects.

Kleindienst has taken pains to remain his usual jocular and jovial self, always a contrast to the somber, restrained Mitchell.

But those close to Kleindienst note that he has become somewhat jumpy, seems unusually tired and beleaguered, and is beginning to show his anger over what he considers the excesses of the Senate investigation.

The delay in his confirmation is a great personal disappointment as well as a considerable annoyance to him. Early this month, for example, Kleindienst's father, now over 80, came to Washington from Winslow, Ariz., and his son, Alfred, a recent Harvard graduate, flew home from Geneva (where he is working in the American mission), for what they both expected to be his swearing-in.

After sitting in the Senate hearing room audience day after day, they both went back.

Kleindienst is also piqued that he is doing two jobs at the salary of the lower-paying one. Until confirmed, he is denied a raise from the deputy attorney general's salary of $42,000 a year to the Cabinet salary of $60,000 a year.

Although previously a prosperous lawyer in Phoenix, he insists that he is not independently wealthy and now spends more than he earns.

As do many politicans under stress, Kleindienst has relied heavily on his friends and aides, whom he considers to be exceptionally loyal. He is proud of what he considers to be the fighting spirit of the political appointees in the Justice Department, as well as many career staffers.

Kleindienst is also buoyed by an enormous flood of mail, which sources close to him say is almost entirely favorable. His three secretaries have accumulated hundreds of letters, many from former political adversaries and people he has never met, in chronological files.

On his desk, according to recent visitors, is a stack of columns, transcripts and editorials, pro and con. Among those of which he is proudest is a favorable one dating from last September—by Jack Anderson.